

JFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sanford Cobb, Jr. Art Unit : 2872
 Serial No. : 10/616,530 Examiner : James Phan
 Filed : July 10, 2003
 Title : TOTALLY INTERNALLY REFLECTING THIN, FLEXIBLE FILM

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

REPLY TO ACTION OF NOVEMBER 14, 2005

In reply to the Office Action of November 14, 2005, Applicant submits the following remarks.

The Examiner states that the patent sought to be reissued is involved in litigation and requests that Applicant make any relevant documents from the litigation of record. Applicant, however, is not aware of any litigation involving this patent, and requests clarification regarding the basis for the Examiner's statement.

Claims 1-43 have been rejected as being based on a defective reissue declaration. These rejections should be withdrawn.

The Examiner objects to the declaration because “[t]he declaration fails to point out the differences of the new claims 9-43 from the original claims 1-8.” There is no basis for this objection. Neither the statute nor the rules requires the declaration to point out the differences between newly added claims and existing claims. On the contrary, the statute and rules merely require the declaration to recite an error that forms a basis for the reissue application. The declaration does this. It specifically states: “One error relied upon as the basis of this reissue

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 14, 2005

Date of Deposit

Signature

Jill Hugo

Typed or Printed Name of Person Signing Certificate